

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

I/P ENGINE, INC.

Plaintiff,

v.

AOL, INC., *et al.*,

Defendants.

Civil Action No. 2:11-cv-512

**DECLARATION OF KRISTIN ZMRHAL IN SUPPORT OF GOOGLE'S OPPOSITION
TO PLAINTIFF'S MOTION TO COMPEL GOOGLE'S CUSTODIAL DOCUMENT
PRODUCTION**

I, Kristin Zmrhal, declare as follows:

1. I am an eDiscovery Project Manager at Google Inc. ("Google"). I provide this declaration upon personal knowledge and, if called upon as a witness, would testify competently as to the matters recited herein.
2. On March 28, 2012, Google sent the data it had collected to date from nine custodians to its outside vendor for processing and searching. Google did so even though it would have preferred to wait until a final Electronically Stored Information ("ESI") agreement was finalized, in order to avoid the potential expense and delay of re-processing. This data consisted of approximately 12.5 million documents, or 366 GB of uncompressed data, for these custodians. Most of these documents consist of email or come from email families. The data was extracted

and processed by Google's eDiscovery vendor on April 2, 2012. Once processed, the individual emails and email families were deduplicated based on MD5Hash and loaded into a database. Typically, an index is created against all of the documents in the database by extracting the text and metadata. Once the index is created, search terms are run across the index to identify keyword hits. Given the time, complexity and expense of uploading and searching the documents, it is prohibitive for the vendor to perform this process multiple times.

3. Google's document processing vendor had originally estimated that it would be able to process and upload the 12.5 million documents, deduplicate, create an index, run the search terms across the collection, and provide the number of results by April 5. Following deduplication, Google was left with a population of 8.3 million documents for the nine custodians. Creating an index across over 8 million documents can take around 14 hours for each index to be completed. Once the index was created, it took about 4-6 hours to run the search terms against the index. Due to the massive amount of data, loading and searching the documents took longer than initially estimated, and on April 6, Google determined that the search terms run across the entire collection resulted in over 400,000 documents.

4. Based on the review of the initial search results, Google determined that there was an unreasonably large number of hits for the search term "Ads Quality." Excluding the unreasonably large "Ads Quality" term resulted in approximately 250,000 documents to review for responsiveness and privilege.

5. Google's counsel then provided Google with a modification for the "Ads Quality" search term, which Google's vendor ran and added to the review population.

6. Due to the nature of some of the search terms requested by Plaintiff, the standard index used by Google's eDiscovery vendor needed to be modified to include additional characters to

ensure that the search terms applied captured the intended terms. For that reason, Google's eDiscovery vendor had to create a second index. Google's eDiscovery vendor then again took about 4-6 hours to run the search terms against the custom index.

7. With these modifications, running the search terms against the custodial documents resulted in approximately 150,000 documents to review for responsiveness and privilege.

8. [REDACTED]

[REDACTED] leaving Google with a population of 115,000 documents to review.

9. In total, Google's vendor ran forty one terms across two separate indices created on the 8.3 million custodial documents. [REDACTED]

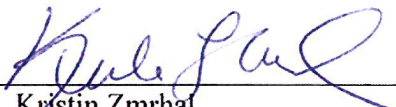
[REDACTED] In addition, a piecemeal review of the documents could have required hiring different groups of contract attorneys at different times and re-introducing each group to the issues involved in this litigation, all of which would increase the expense and burden to Google.

10. Google has staffed the case with 20 full-time outside contract attorneys, five full-time in-house attorneys, and 30 additional temporary in-house attorneys working extended hours, in order to complete the production by the estimated May 30 date and the interim April 27 and May 11 dates.

11. Review of these 115,000 documents includes a review for responsiveness, privilege, and source code. After all review is complete, the vendor must process the responsive documents for

production; for a 100,000 page production, processing takes approximately 72 hours. On average, Google typically finds that there are about 2.5 pages per document in a production.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 20th of April, 2012 at Mountain View, California.


Kristin Zmrhal

DATED: April 20, 2012

/s/ Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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